

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
FORT WORTH DIVISION

EXXON MOBIL CORPORATION,	§	
	§	
	§	
Plaintiff,	§	
	§	
v.	§	
	§	
ERIC TRADD SCHNEIDERMAN,	§	NO. 4:16-CV-469-K
Attorney General of New York, in his	§	
official capacity, and MAURA TRACY	§	
HEALEY, Attorney General of	§	
Massachusetts, in her official capacity.	§	
	§	
Defendants.	§	

**APPENDIX IN SUPPORT OF EXXON MOBIL CORPORATION'S
FIRST AMENDED COMPLAINT FOR DECLARATORY AND INJUNCTIVE RELIEF**

<u>Exhibit</u>	<u>Description</u>	<u>Page(s)</u>
N/A	Declaration of Justin Anderson (Oct. 13, 2016)	ix – xvii
A	Justin Gillis & Clifford Krauss, <i>Exxon Mobil Investigated for Possible Climate Change Lies by New York Attorney General</i> , N.Y. Times (Nov. 5, 2015)	App. 1 – App. 7
B	Transcript of the AGs United for Clean Power Press Conference, held on March 29, 2016, which was prepared by counsel based on a video recording of the event. The video recording is available at http://www.ag.ny.gov/press-release/ag-schneiderman-former-vice-president-al-gore-and-coalition-attorneys-general-across	App. 8 – App. 28
C	Seth Shulman, Union of Concerned Scientists and Climate Accountability Institute, <i>Establishing Accountability for Climate Change Damages: Lessons from Tobacco Control</i> (October 2012)	App. 29 – App. 65

<u>Exhibit</u>	<u>Description</u>	<u>Page(s)</u>
D	E-mail from Kenny Bruno to Lee Wasserman et al. (January 5, 2016, 4:42 PM)	App. 66 – App. 67
E	E-mail from Wendy Morgan, Chief of Public Protection, Office of the Vermont Attorney General, to Michael Meade, Director, Intergovernmental Affairs Bureau, Office of the New York Attorney General (Mar. 18, 2016, 6:06 PM)	App. 68 – App. 78
F	E-mail from Lemuel Srolovic, Bureau Chief, Environmental Protection Bureau, Office of the New York Attorney General, to Matthew Pawa, President, Pawa Law Group, P.C. (Mar. 30, 2016, 9:01 PM)	App. 79 – App. 80
G	Exxon Mobil Corp., <i>Corporate Citizenship in a Changing World</i> (2002)	App. 81 – App. 98
H	Exxon Mobil Corp., <i>2006 Corporate Citizenship Report</i> (2006)	App. 99 – App. 106
I	Redacted e-mail from Lemuel Srolovic, Bureau Chief, Environmental Protection Bureau, Office of the New York Attorney General, to Jack Balagia, Vice President and General Counsel, ExxonMobil (Nov. 4, 2015)	App. 107 – App. 108
J	Alan Neuhauser, <i>Exxon Mobil on Hot Seat for Global Warming Denial</i> , U.S. News & World Report (Nov. 5, 2015)	App. 109 – App. 112
K	Judy Woodruff, <i>Has Exxon Mobil Mislead the Public About Its Climate Change Research?</i> , PBS NewsHour (Nov. 10, 2015, 6:45 PM)	App. 113 – App. 121
L	<i>New York Attorney General Comments on Exxon Probe</i> , Oil Daily (Nov. 13, 2015)	App. 122 – App. 124

<u>Exhibit</u>	<u>Description</u>	<u>Page(s)</u>
M	E-mail from Michael Meade, Director, Intergovernmental Affairs Bureau, Office of the New York Attorney General, to Scot Kline, Assistant Attorney General, Office of the Vermont Attorney General, and Wendy Morgan, Chief of Public Protection, Office of the Vermont Attorney General (Mar. 22, 2016, 4:51 PM)	App. 125 – App. 128
N	E-mail from Peter Washburn, Policy Advisor, Environmental Protection Bureau of the New York Attorney General, to Lemuel Srolovic, Bureau Chief, Environmental Protection Bureau, Office of the New York State Attorney General; Scot Kline, Assistant Attorney General, Office of the Vermont Attorney General; and Wendy Morgan, Chief of Public Protection, Office of the Vermont Attorney General (Mar. 25, 2016, 11:49 AM)	App. 129 – App. 136
O	Union of Concerned Scientists, <i>Peter Frumhoff</i> , http://www.ucsusa.org/about/staff/staff/peter-frumhoff.html#.WAO9oYMrKGo (last visited Oct. 12, 2016)	App. 137 – App. 144
P	Union of Concerned Scientists, <i>Global Warming Solutions: Fight Misinformation</i> , http://www.ucsusa.org/our-work/global-warming/solutions/global-warming-solutions-fight-misinformation#.WAO944MrKGo (last visited Oct. 12, 2016)	App. 145 – App. 158
Q	Union of Concerned Scientists, <i>Smoke, Mirrors & Hot Air: How ExxonMobil Uses Big Tobacco's Tactics to Manufacture Uncertainty on Climate Science</i> (2007)	App. 159 – App. 169
R	Valerie Richardson, <i>Democrat AGs Signed Secrecy Pact to Hide Details of Probe into Climate Change Dissent</i> , Wash. Times (Aug. 4, 2016)	App. 170 – App. 174

<u>Exhibit</u>	<u>Description</u>	<u>Page(s)</u>
S	<i>Practice Areas</i> , Pawa Law Group, P.C., http://www.pawalaw.com/practice-areas (last visited Oct. 12, 2016)	App. 175 – App. 177
T	ExxonMobil Corporation, <i>2015 Corporate Citizenship Report</i> (2015)	App. 178 – App. 190
U	Alana Goodman, <i>Memo Shows Secret Coordination Effort Against ExxonMobil by Climate Activists, Rockefeller Fund</i> , Wash. Free Beacon (Apr. 14, 2016, 5:00 PM)	App. 191 – App. 194
V	Climate Change Coalition Common Interest Agreement	App. 195 – App. 214
W	Press Release, Office of the Attorney General of the State of Alabama, <i>Alabama Joins Intervention in Case to Protect First Amendment Right of Businesses from Government Threats of Criminal Prosecution</i> (May 16, 2016)	App. 215 – App. 223
X	Press Release, State of Alabama Office of the Attorney General, <i>State AG's Strange, Pruitt Condemn Attempts to Silence Those Who Disagree with President Obama's Energy Agenda</i> (Mar. 30, 2016)	App. 224 – App. 225
Y	Press Release, State of Louisiana Office of the Attorney General, <i>Attorney General Jeff Landry Slams Al Gore's Coalition</i> (Mar. 30, 2016)	App. 226 – App. 227
Z	Letter from Lamar Smith, Chairman, House Committee on Science, Space, and Technology, et al. to Eric Schneiderman, Attorney General of New York (May 18, 2016)	App. 228 – App. 234
AA	Letter from Leslie B. Dubeck, Counsel, New York Attorney General's Office, to Representative Lamar Smith, Chairman, House Committee on Science, Space, and Technology (May 26, 2016)	App. 235 – App. 238

<u>Exhibit</u>	<u>Description</u>	<u>Page(s)</u>
BB	Press Release, House Committee on Science, Space, & Technology, <i>Smith Subpoenas MA, NY Attorneys General, Environmental Groups</i> (July 13, 2016)	App. 239 – App. 242
CC	Press Release, Ken Paxton, Attorney General of Texas, <i>Attorney General Paxton Intervenes in First Amendment Case</i> (May 16, 2016)	App. 243 – App. 245
DD	Letter from Mike Lee, U.S. Senator, et al. to Loretta Lynch, U.S. Attorney General (May 25, 2016)	App. 246 – App. 249
EE	The New York Attorney General’s Subpoena to ExxonMobil, dated November 4, 2015	App. 250 – App. 268
FF	Stanford University Global Climate & Energy Project, <i>About Us</i> , https://gcep.stanford.edu/about/index.html (last visited Oct. 12, 2016)	App. 269 – App. 271
GG	Exxon Mobil Corp., <i>Annual Report (Form 10-K)</i> (Feb. 28, 2007)	App. 272 – App. 278
HH	Exxon Mobil Corp., <i>Annual Report (Form 10-K)</i> (Feb. 24, 2016)	App. 279 – App. 284
II	The Massachusetts Attorney General’s Civil Investigative Demand to ExxonMobil, dated April 19, 2016	App. 285 – App. 314
JJ	Declaration of Robert Luetttgen (June 14, 2016)	App. 315 – App. 317
KK	Christopher M. Matthews, <i>New York AG Employs Powerful Law in Exxon Probe</i> , Wall St. J. (Sept. 16, 2016)	App. 318 – App. 321
LL	Plaintiff’s Original Petition for Declaratory Relief, <i>Exxon Mobil Corp. v. Walker</i> (Tex. Dist. Ct. Apr. 13, 2016) (No. 017-284890-16)	App. 322 – App. 349
MM	John Schwartz, <i>Exxon Mobil Fraud Inquiry Said to Focus More on Future than Past</i> , N.Y. Times, B1 (Aug. 19, 2016)	App. 350 – App. 353

<u>Exhibit</u>	<u>Description</u>	<u>Page(s)</u>
NN	Letter from Richard A. Johnston, Chief Legal Counsel, Massachusetts Attorney General's Office, to Lamar Smith, Chairman, House Committee on Science, Space, and Technology (July 26, 2016)	App. 354 – App. 392
OO	Plea in Intervention of the States of Texas and Alabama, <i>Exxon Mobil Corp. v. Walker</i> (Tex. Dist. Ct. May 16, 2016) (No. 017-284890-16)	App. 393 – App. 400
PP	Jeremy Carl & David Fedor, Hoover Institution at Stanford University: Shultz-Stephenson Task Force on Energy Policy, <i>Revenue-Neutral Carbon Taxes in the Real World: Insights from British Columbia and Australia</i> (2012)	App. 401 – App. 433
QQ	Michael Bastasch, <i>Kansas AG Takes on Al Gore's Alarmism – Won't Join Anti-Exxon 'Publicity Stunt,'</i> Daily Caller (Apr. 4, 2016)	App. 434 – App. 436
RR	Kyle Feldscher, <i>West Virginia AG 'Disappointed' in Probes of Exxon Mobil</i> , Wash. Examiner (Apr. 5, 2016)	App. 437 – App. 440
SS	Press Release, Luther Strange, Alabama Attorney General, <i>Attorney General Strange Leads Dear Colleague Letter to Fellow Attorneys General Opposing Use of Subpoenas to Enforce Their Climate Agenda Views</i> (June 16, 2016)	App. 441 – App. 447
TT	Steven Mufson, <i>Environmental Groups Reject Rep. Lamar Smith's Request for Information on ExxonMobil Climate Case</i> , Wash. Post (June 1, 2013)	App. 448 – App. 451
UU	Associated Press, <i>AG Won't Send Documents on Probe of Exxon Mobil</i> , N.Y. L.J. (June 3, 2016)	App. 452 – App. 453
VV	Greenpeace, <i>ExxonMobil Climate Denial Funding 1998- 2014</i> , http://www.exxonsecrets.org/html/index.php (last visited Oct. 12, 2016)	App. 454 – App. 457

<u>Exhibit</u>	<u>Description</u>	<u>Page(s)</u>
WW	The Virgin Islands Attorney General's Subpoena to ExxonMobil, dated March 15, 2016	App. 458 – App. 477

Dated: October 17, 2016

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CERTIFICATE OF SERVICE

I hereby certify that on October 17, 2016, a copy of the foregoing instrument was served on the following party via the Court's CM/ECF system in accordance with the Federal Rules of Civil Procedure:

Maura Healey
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Phone: (617) 727-2200

/s/ Ralph H. Duggins

Ralph H. Duggins

IN THE UNITED STATES DISTRICT COURT
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EXXON MOBIL CORPORATION,	§	
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ERIC TRADD SCHNEIDERMAN,	§	NO. 4:16-CV-469-K
Attorney General of New York, in his	§	
official capacity, and MAURA TRACY	§	
HEALEY, Attorney General of	§	
Massachusetts, in her official capacity.	§	
	§	
Defendants.	§	

DECLARATION OF JUSTIN ANDERSON

I, Justin Anderson, declare as follows:

1. My name is Justin Anderson. I have been admitted to practice law *pro hac vice* in the U.S. District Court for the Northern District of Texas and am an attorney with the law firm Paul, Weiss, Rifkind, Wharton & Garrison LLP, counsel of record for Exxon Mobil Corporation (“ExxonMobil”) in this matter. I am over 18 years of age and am fully competent in all respects to make this Declaration. I have personal knowledge of the facts stated herein, based on my experience or my consultation with others, or they are known to me in my capacity as counsel for ExxonMobil, and each of them is true and correct.

2. I submit this declaration in support of ExxonMobil’s First Amended Complaint for Declaratory and Injunctive Relief.

3. Attached to this declaration as Exhibit A is a copy of an article by Justin Gillis and Clifford Krauss published in the *New York Times* on November 5, 2015,

obtained from <http://www.nytimes.com/2015/11/06/science/exxon-mobil-under-investigation-in-new-york-over-climate-statements.html>.

4. Attached to this declaration as Exhibit B is a transcript of the AGs United for Clean Power Press Conference, held on March 29, 2016, which was prepared by counsel based on a video recording of the event. The video recording is available at <http://www.ag.ny.gov/press-release/ag-schneiderman-former-vice-president-al-gore-and-coalition-attorneys-general-across>.

5. Attached to this declaration as Exhibit C is a copy of report published by the Union of Concerned Scientists and Climate Accountability Institute in October 2012, obtained from [http://www.climateaccountability.org/pdf/Climate%20Accountability%20Rpt%20Oct 12](http://www.climateaccountability.org/pdf/Climate%20Accountability%20Rpt%20Oct%2012).

6. Attached to this declaration as Exhibit D is a copy of an email from Kenny Bruno to Matthew Pawa, dated January 5, 2016, obtained from <http://freebeacon.com/wp-content/uploads/2016/04/scan0003.pdf>.

7. Attached to this declaration as Exhibit E is a from Wendy Morgan, Chief of Public Protection, Office of the Vermont Attorney General to Michael Meade, Director, Intergovernmental Affairs Bureau, Office of the New York Attorney General, dated March 18, 2016, obtained from <http://eelegal.org/wp-content/uploads/2016/04/Development-of-Agenda.pdf>.

8. Attached to this declaration as Exhibit F is a copy of an email from Lemuel Srolovic to Matthew Pawa dated March 30, 2016, obtained from [http://www.washingtonexaminer.com/ny-atty.-general-sought-to-keep-lawyers-role-in-climate-change-push secret/article/2588874?custom_click=rss](http://www.washingtonexaminer.com/ny-atty.-general-sought-to-keep-lawyers-role-in-climate-change-push-secret/article/2588874?custom_click=rss).

9. Attached to this declaration as Exhibit G is an excerpt of ExxonMobil Corporation's *Corporate Citizenship in a Changing World* report, dated 2002, obtained from ExxonMobil's files.

10. Attached to this declaration as Exhibit H is an excerpt of ExxonMobil Corporation's *2006 Corporate Citizenship Report*, dated 2007, obtained from http://www.socialfunds.com/csr/reports/Exxon_Mobil_2006_Corporate_Citizenship_Report.pdf.

11. Attached to this declaration as Exhibit I is a copy of a redacted email from Lemuel M. Srolovic, Bureau Chief, Environmental Protection Bureau, New York State Attorney General, to Jack Balagia, Vice President and General Counsel, ExxonMobil, dated November 4, 2015.

12. Attached to this declaration as Exhibit J is a copy of an article by Alan Neuhauser published in *U.S. News & World Report*, on November 5, 2015, obtained from <http://www.usnews.com/news/articles/2015/11/05/exxon-mobil-under-investigation-for-climate-change-denial>.

13. Attached to this declaration as Exhibit K is a transcript from the Public Broadcasting Service program *NewsHour*, dated November 10, 2015, obtained from <http://www.pbs.org/newshour/bb/exxon-mobil-mislead-public-climate-change-research>.

14. Attached to this declaration as Exhibit L is a copy of an article published in *Oil Daily*, dated November 13, 2015.

15. Attached to this declaration as Exhibit M is a copy of an e-mail chain, the last of which is from Michael Meade to Scot Kline and Wendy Morgan, and is

dated March 22, 2016, obtained from <http://eelegal.org/wp-content/uploads/2016/04/Gore-is-adding-star-power-and-words-to-avoid.pdf>.

16. Attached to this declaration as Exhibit N is an email from Peter Washburn to Lemuel Srolovic, Scot Kline, and Wendy Morgan, dated March 25, 2016, obtained from <http://eelegal.org/wp-content/uploads/2016/04/Questionnaire-responses.pdf>.

17. Attached to this declaration as Exhibit O is a copy of the Union of Concerned Scientists's profile of Peter Frumhoff, obtained from <http://www.ucsusa.org/about/staff/staff/peter-frumhoff.html#.VyT3oYSDFHw> on October 12, 2016.

18. Attached to this declaration as Exhibit P is an article published by the Union of Concern Scientists, obtained from http://www.ucsusa.org/our-work/global-warming/solutions/global-warming-solutions-fight-misinformation#.Vx-PC_krJpg on October 12, 2016.

19. Attached to this declaration as Exhibit Q is a report published by the Union of Concerned Scientists, dated January 2007, obtained from http://www.ucsusa.org/sites/default/files/legacy/assets/documents/global_warming/exxon_report.pdf.

20. Attached to this declaration as Exhibit R is a copy of an article by Valerie Richardson, published in the *Washington Times*, dated August 4, 2016, obtained from <http://www.washingtontimes.com/news/2016/aug/4/dem-ags-signed-secrecy-pact-climate-change-probe>.

21. Attached to this declaration as Exhibit S is a copy of the Pawa Law Group's description of its practice areas, obtained from <http://www.pawalaw.com/practice-areas> on October 12, 2016.

22. Attached to this declaration as Exhibit T is a copy of ExxonMobil Corporation's 2015 *Corporate Citizenship Report*, obtained from http://cdn.exxonmobil.com/~media/global/files/corporate-citizenshipreport/2015_corporate_citizenship_report_full_approved-pdf.pdf.

23. Attached to this declaration as Exhibit U is a copy of an article by Alana Goodman, published in the *Washington Free Beacon* on April 14, 2016, obtained from <http://freebeacon.com/issues/memo-shows-secret-coordination-effort-exxonmobil-climate-activists-rockefeller-fund>.

24. Attached to this declaration as Exhibit V is a copy of the Climate Change Coalition Common Interest Agreement, obtained from <http://eelegal.org/wp-content/uploads/2016/08/Climate-Change-CIA.pdf>.

25. Attached to this declaration as Exhibit W is a copy of a press release issued by the Attorney General of Alabama, dated May 16, 2016, obtained from <http://www.ago.state.al.us/News-837>.

26. Attached to this declaration as Exhibit X is a copy of a press release issued by the Alabama Attorney General's Office, dated March 30, 2016, obtained from <http://www.ago.state.al.us/News-800>.

27. Attached to this declaration as Exhibit Y is copy of a press release by the Louisiana Attorney General's Office, dated March 30, 2016, obtained from <https://www.ag.state.la.us/Article.aspx?articleID=2207&catID=2>.

28. Attached to this declaration as Exhibit Z is a copy of a letter from Representative Lamar Smith to New York Attorney General Eric Schneiderman, dated May 18, 2016, obtained from <https://science.house.gov/sites/republicans.science.house.gov/files/documents/05.18.16%20SST%20Letter%20to%20NY%20AG.pdf>.

29. Attached to this declaration as Exhibit AA is a copy of a letter from Leslie B. Dubeck to Representative Lamar Smith, dated May 26, 2016, obtained from https://ag.ny.gov/sites/default/files/2016_07_26_nyoag_letter_to_sst_objecting_to_subpoena.pdf.

30. Attached to this declaration as Exhibit BB is a copy of a press release issued by the House Committee on Science, Space, & Technology, dated July 13, 2016, obtained from <https://science.house.gov/news/press-releases/smith-subpoenas-many-attorneys-general-environmental-groups>.

31. Attached to this declaration as Exhibit CC is copy of a press release issued by the Attorney General Texas, dated May 16, 2016, obtained from <https://texasattorneygeneral.gov/news/releases/attorney-general-paxton-intervenes-in-first-amendment-case>.

32. Attached to this declaration as Exhibit DD is a copy of a letter from Senator Mike Lee to U.S. Attorney General Loretta Lynch, dated May 25, 2016, obtained from http://www.cruz.senate.gov/files/documents/Letters/20160526_Climate_Change_Letter.pdf.

33. Attached to this declaration as Exhibit EE is a copy of the New York Attorney General's Subpoena to Exxon Mobil for Production of Documents, dated November 4, 2015.

34. Attached to this declaration as Exhibit FF is a copy of Stanford University's Global Climate & Energy Project's "About Us" webpage, obtained from <https://gcep.stanford.edu/about/index.html>.

35. Attached to this declaration as Exhibit GG is an excerpt of ExxonMobil Corporation's *Annual Report (Form 10-K)*, dated February 28, 2007.

36. Attached to this declaration as Exhibit HH is an excerpt of the ExxonMobil Corporation's *Annual Report (Form 10-K)*, dated February 24, 2016.

37. Attached to this declaration as Exhibit II is a copy of the Massachusetts Attorney General's Civil Investigative Demand to ExxonMobil, dated April 19, 2016.

38. Attached to this declaration as Exhibit JJ is a copy of the Declaration of Robert Luetzgen, dated June 14, 2016.

39. Attached to this declaration as Exhibit KK is a copy of an article by Christopher Matthews, published in the Wall Street Journal on September 16, 2016, obtained from <http://www.wsj.com/articles/new-york-ag-employs-powerful-law-in-exxon-probe-1474061881>.

40. Attached to this declaration as Exhibit LL is a copy of Plaintiff's Original Petition for Declaratory Relief, filed in *Exxon Mobil Corp. v. Walker* (Tex. Dist. Ct. Apr. 13, 2016) (No. 017-284890-16).

41. Attached to this declaration as Exhibit MM is a copy of an article by John Schwartz, published in *The New York Times* on August 19, 2016, obtained from <http://www.nytimes.com/2016/08/20/science/exxon-mobil-fraud-inquiry-said-to-focus-more-on-future-than-past.html>.

42. Attached to this declaration as Exhibit NN is a copy of a letter from Richard A. Johnston to Representative Lamar Smith, dated July 26, 2016.

43. Attached to this declaration as Exhibit OO is a copy of Plea in Intervention of the States of Texas and Alabama, *Exxon Mobil Corp. v. Walker* (Tex. Dist. Ct. May 16, 2016) (No. 017-284890-16).

44. Attached to this declaration as Exhibit PP is a copy of an essay by Jeremy Carl and David Fedor, published by the Hoover Institute in 2012, obtained from http://media.hoover.org/sites/default/files/documents/CarlFedor_HooverETF2012_RevenueNeutralCarbonTaxesInBCandAUS.pdf.

45. Attached to this declaration as Exhibit QQ is a copy of an article by Michael Bastasch published in the Daily Caller on April 4, 2016, obtained from <http://dailycaller.com/2016/04/04/kansas-ag-takes-on-al-gores-alarmism-wont-join-antexxon-publicity-stunt>.

46. Attached to this declaration as Exhibit RR is a copy of an article by Kyle Feldscher published in the Washington Examiner on April 5, 2016, obtained from <http://www.washingtonexaminer.com/west-virginia-ag-disappointed-in-probes-of-exxon-mobil/article/2587724>.

47. Attached to this declaration as Exhibit SS is a copy of a letter from Luther Strange to “Fellow Attorneys General,” dated June 15, 2016, obtained from <http://www.ago.state.al.us/news/852.pdf>.

48. Attached to this declaration as Exhibit TT is a copy of an article by Steven Mufson published in the *Washington Post* on June 1, 2013, obtained from

<https://www.washingtonpost.com/news/powerpost/wp/2016/06/01/environmentalgroups-reject-rep-smiths-request-for-information-on-exxon-mobil-climate-case/>.

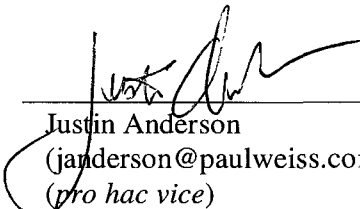
49. Attached to this declaration as Exhibit UU is a copy of an article by the Associated Press published in the *New York Law Journal* on June 3, 2016, obtained from <http://www.newyorklawjournal.com/home/id=1202759197079/AG-Wont-Send-Documents-on-Probe-of-Exxon-Mobil?mcode=1202615069279&curindex=1&slreturn=20160503101116>.

50. Attached to this declaration as Exhibit VV is a copy of a list of so-called climate “deniers” gathered by Greenpeace, obtained from <http://www.exxonsecrets.org/html/index.php>.

51. Attached to this declaration as Exhibit WW is a copy of the Virgin Island Attorney General’s subpoena to ExxonMobil, dated March 15, 2016.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on October 16, 2016.


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